

Notice of Allowability

Application No.

09/772,664

Examiner

James A. Thompson

Applicant(s)

OHASHI, KAZUHIRO

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11 September 2007.
2. ☒ The allowed claim(s) is/are 37-39 and 49-61.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DAVID MOORE
SUPERVISOR PATENT EXAMINER
TECH. CENTER 2800

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 11 September 2007, with respect to the rejections of the claims under 35 USC § 103(a) have been fully considered and are persuasive. The rejections of the claims under 35 USC § 103(a) have been withdrawn. Applicant's present amendments to the claims overcome the previously cited prior art references. Further, Examiner has not uncovered any additional prior art which anticipated and/or renders obvious the present claims.

Allowable Subject Matter

2. **Claims 37-39 and 49-41 are allowed.**

The following is an examiner's statement of reasons for allowance:

Independent claim 37 recites a scanning apparatus which adjusts the reference levels between a plurality of output channels. The plurality of output channels are calibrated with respect to each other by (1) selecting the maximum of the output values from the plurality of output channels when the image sensor reads a white reference member, and (2) selecting the minimum of the output values from the plurality of output channels when the image sensor reads a reference density member having a predetermined density of halftone. Reference values are set based on the maximum and minimum determined output values. An example of this is shown in figure 11a of the present application, which sets an input/output curve based on the thus determined minimum and maximum values.

Examiner has not discovered prior art which anticipates claim 37 or renders claim 37 obvious to one of ordinary skill in the art at the time of the invention. The closest prior art is Orito (USPN 6,072,912) which reads a plurality of white levels (figure 8 of Orito) and a plurality of black levels (figure 9 of Orito) in order to calibrate the image levels for image data scanning. The maximum and minimum values are discarded and an average value obtained for the white and black references levels (column 8, lines 48-57 of Orito), which is in direct contrast with the present invention. Further, as is normal in the prior art, the individual channels are corrected separately, rather than as in the present invention wherein calibration data is used across the plurality of output channels in order to determine an overall calibration. Thus, claim 37 is deemed allowable over the prior art.

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Claims 38, 39 and 49-61 depend from claim 37, either directly or indirectly, and thus incorporate all of the limitations of claim 37. Accordingly, claims 38, 39 and 49-61 are also deemed allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAT
22 September 2007

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